

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA**

IN RE: COLTON AND STEPHANIE OSBORN,
ET AL.

CASE NO. 24-40202-BSK

CHAPTER 12

Debtors.

**MOTION: (I) TO LIMIT NOTICE OF DEBTORS' MOTION PURSUANT TO 11
U.S.C. §§ 105, 363, AND FED. R. BANKR. P. 6004 & 9019 TO APPROVE
SETTLEMENT AGREEMENT; AND (II) MOTION TO SET SHORTENED
RESISTANCE DEADLINE**

COMES NOW COME NOW, Colton and Stephanie Osborn, C&S Ag, LLC, and C&S Organics, LLC (collectively, the “Debtors”), as debtors and debtors in possession in the above-captioned chapter 12 cases (collectively, the “Chapter 12 Cases”), pursuant to section 105(a), Rules 2002, 1007, 6003, 6004 and 9019 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 9013-1 of the Nebraska Rules of Bankruptcy Procedure (the “Local Rules”) for an order approving notice procedures and shortened resistance deadline as described herein. In support of this motion (the “Motion”), Debtors respectfully represent as follows:

1. On March 8, 2024, (the “Petition Date”), each Debtor filed a voluntary petition for relief under chapter 12 of the Bankruptcy Code. This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1334 and venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. By Nebraska General Rule 1.5 of the United States District Court for the District of Nebraska, the District Court has referred all bankruptcy cases to the Bankruptcy Court for initial determination, as permitted by 28 U.S.C. § 157(a). This is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(A) and (O), and Debtors consent to entry of a final order by the Court in connection with this Application to the extent it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.
2. On August 7, 2024, Debtors filed their Motion Pursuant To 11 U.S.C. §§ 105, 363, And Fed. R. Bankr. P. 6004 & 9019 To Approve Settlement Agreement (the “9019 Motion”). Filing No. 107.
3. The 9019 Motion drew a limited objection from the Chapter 12 Trustee to set up a mechanism to resolve the same and seek approval of said resolution with the Court. Filing No. 123.
4. On August 29, 2024, the Court denied the 9019 Motion without prejudice as the result of a lack of a certificate of service. Filing No. 124.
5. On September 3, 2024, Debtors filed a renewed 9013-1 and certificate of service related to the 9019 Motion. Filing Nos. 127 and 128.
6. On September 16, 2024, the Court denied the 9019 Motion, stating “The motion to approve compromise (Doc. #107) is denied. The movant did not serve all parties in interest. This is a jointly administered case. The movant served only the matrix for one case, Case No. BK 24-40202. The movant must serve the mailing matrix from each case to serve all parties. See Doc. #96. This is especially true because the motion seeks to allow the creditor's claim. To avoid uncertainty, the movant should refile the motion as a separate docket entry and serve all interested parties.” Filing No. 139.
7. Contemporaneously herewith, Debtors filed their Renewed Motion Pursuant To 11 U.S.C. §§

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105, 363, And Fed. R. Bankr. P. 6004 & 9019 To Approve Settlement Agreement (the “Renewed 9019 Motion”. This Motion must be served on all creditors in interest across all three joint cases – therein lies the rub.

8. A review and analysis of the three matrices for the joint cases reveals a significant duplication and/or triplication of creditors. More specifically, only 5 of 51 creditors on the matrices for Case No. 24-40200 (C&S Ag, LLC) and Case No. 24-40201 (C&S Organics, LLC) are not already on the official mailing matrix for Case No. 24-40202 or receiving CM/ECF notice of filings, to wit:¹

Country Partners Cooperative , P.O. BOX 80, Gothenburg, NE 69138-0080
Express Tech-Financing, LLC, 8930 E Raintree Drive, Scottsdale, AZ 85260-7029
First State Bank, PO Box 79, Gothenburg, NE 69138-0079
Meridian Equipment Finance, LLC, 9 Lincoln Hwy., Malvern, PA 19355
North Mill Credit Trust, 601 Merritt 7, Suite 5, Norwalk, CT 06851-1097
North Mills Credit Trust, 81 Throckmorton Ave, Suite 203, Mill Valley, CA 94941-1930

9. Stated another way, other than the above parties, the creditor matrix for Case No. 24-40202 contains all other creditors on the matrices for Case Nos. 24-40200 and 24-40201. As a result, strict compliance with the order at Filing No. 139 would result duplication or triplication of notice of the Renewed 9019 Motion to at least 46 entities or persons (all of whom received notice of the prior 9013 Motion and did not object thereto).

10. Fed. R. Bankr. P. 2002(a) provides that, unless otherwise ordered by the bankruptcy court, notice of certain matters must be given to, among others, all of a debtor’s creditors, equity security holders, and other parties in interest.

11. The Bankruptcy Rules further provide that “[t]he court may from time to time enter orders designating the matters in respect to which, the entity to whom, and the form and manner in which notices shall be sent except as otherwise provided by these rules.” Fed. R. Bankr. P. 2002(m); *see also* Fed. R. Bankr. P. 9007 (“When notice is to be given under these rules, the court shall designate, if not otherwise specified herein, the time within which, the entities to whom, and the form and manner in which the notices shall be given.”).

12. By this Motion, Debtors seek an order limiting *mailing notice* of the Renewed 9019 Motion to those parties attached hereto as Exhibit A, which list contains all known creditors from these three related cases without duplication. In addition, all parties receiving notice of any filing through the CM/ECF system shall receive notice of the Renewed 9019 Motion electronically.

13. Debtors submit that the notice described in this Motion is reasonably calculated to provide all parties-in-interest notice of the Renewed 9019 Motion as required by the Bankruptcy Code, Bankruptcy Rules, Local Rules, and Filing No. 139, both by mail and/or CM/ECF system. This will greatly reduce administrative expenses by eliminating duplication or triplication of service of the Renewed 9019 Motion.

14. By this Motion, Debtors also seek an order shortening the resistance deadline to the Renewed 9019 Motion to ten (10) days. The vast majority of all Debtors’ creditors received notice of the prior

¹ Each of these creditors are on the mailing matrix for Case No. 24-40200 of C&S Ag, LLC.

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9019 Motion and only the Chapter 12 Trustee filed a limited objection. Debtors believe that such relief will not prejudice Debtors' creditor constituencies under the circumstances.

WHEREFORE, Debtors respectfully prays this Court enter an order: (1) granting this motion in full; (2) limiting *mailing notice* of the Renewed 9019 Motion to those parties attached hereto as Exhibit A as well as all parties entitled to notice through the CM/ECF system; (3) shortening the resistance deadline to the Renewed 9019 Motion to ten (10) days; and (4) granting any other relief at equity or law this Court deems necessary.

Respectfully submitted.

Colton and Stephnie Osborn et al., Debtors.

By:/s/ Patrick R. Turner
TURNER LEGAL GROUP, LLC
Patrick Turner (NE Bar No. 23461)
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Omaha, Nebraska 68154
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Counsel for Debtors.

Name	Address1	Address2	Address3	City	State	Zip	CM/ECF Notice
Ag Resource Management	Attn Kate Reid	420 Throckmorton Street,Suite 1100		Fort Worth	TX	76102	
Agrifund, LLC	2727 W. 2nd St. Ste. 320			Hastings	NE	68901	Yes
Alan Rickertson	14405 Aquarius			Corpus Christi	TX	78418	
Altus Receivables Management	2400 Veterans Memorial Blvd., Ste 300			Kenner	LA	70062	
Apple Credit, Goldman Sachs Bank USA, Salt Lake City Branch	Lockbox 6112, P.O. Box 7247			Philadelphia	PA	19170-6112	
Becks Hybrids	6767 E 276th St.			Atlanta	GA	46031	
Bryan Health	PO Box 860578			Minneapolis	MN	55486	
C T Corporation System, As Representative	330 N Brand Blvd, Suite 700	ATTN: SPRS		Glendale	CA	91203	
Capital One	P.O. Box 60519			City of Industry	CA	91716-0519	
Capital One	American InfoSource as agent	PO Box 71083		Charlotte	NC	28272	
Centris Credit Union	13120 Pierce St.			Omaha	NE	68144	
Charles L. Litow	1574 42nd St NE Ste 3			Cedar Rapids	IA	52402	
Childrens Hospital	PO Box 952806			St. Louis	MO	63195-2806	
Cobalt Credit Union	Attn Loan Solutions Recovery Dept	7148 Towne Center Parkway		Papillion	NE	68046	
Country Partners Cooperative	P.O. BOX 80			Gothenburg	NE	69138	
Dawson County Treasurer	Bankruptcy Unit	700 N Washington St		Lexington	NE	68850	
Deere & Company	6400 NW 86th St.			Johnston	IA	50131	
Deere Credit Services Inc	Attn Litigation & Recovery Department	PO Box 6600		Johnston	IA	50131	
Deere and CO.	C/O Fritz Stelich	2120 S. 72nd Street	Suite 1500	Omaha	NE	68124	
Deere Credit, Inc.	C/O Fritz Stelich	2120 S. 72nd Street	Suite 1500	Omaha	NE	68124	
John Deere Financial, FSB	C/O Fritz Stelich	2120 S. 72nd Street	Suite 1500	Omaha	NE	68124	
Downey Drilling	PO Box 278			Lexington	NE	68850	Yes
ENT Physicians	PO Box 14099			Belfast	ME	04915	
Express Tech-Financing, LLC	8930 E Raintree Drive			Scottsdale	AZ	85260	
Extreme Ag	72080 Rd 407			Cambridge	NE	69022	
Farmop Capital, LLC	30 E 7th St., #2650			St. Paul	MN	55101	Yes
Financial Pacific Leasing, Inc.	3455 S. 344th Way	Suite 300		Federal Way	WA	98001	
First Financial Bank	214 North Washington Street			El Dorado	AR	71730	Yes
First State Bank	PO Box 79			Gothenburg	NE	69138	
Ford Credit	National Bankruptcy Service.	PO Box 62180		Colorado Springs	CO	80962	Yes
GM- Colton, Goldman Sachs USA	PO Box 70379			Philadelphia	PA	19176	
Gothenburg Irrigation	PO Box 328			Gothenburg	NE	69130	
Great Plains Health	601 W. Leota St.			North Platte	NE	69101	
Gregg J. Stratman	U.S. Small Business Adminstration	10675 Bedford Ave., Suite 100		Omaha	NE	68134	
Internal Revenue Service	Centralized Insolvency Operation	P.O. Box 7346		Philadelphia	PA	19101-0000	
Kam Ag	724 E Blue Stem LN.			North Platte	NE	69101	Yes
Kerry and Michael Sides	724 E Blue Stem LN.			North Platte	NE	69101	Yes
James Overcash	301 South 13th Street	Suite 500		Lincoln	NE	68508	Yes
Lincoln Endoscopy Center LLC	4545 R Street	Ste. 101		Lincoln	NE	68503	
Lisa Pebley	1109 N. Jackson.			Lexington	NE	68850	
M2 Equipment Finance LLC	175 N Patrick Blvd, Ste 140			Brookfield	WI	53045	
Meadowlark Lands Op I, LLC	1001 Farnam Street, Suite 200			Omaha	NE	68105	Yes
Meridian Equipment Finance, LLC	9 Lincoln Hwy.			Malvern	PA	19355	
Nebraska Department of Revenue	Bankruptcy Unit	P.O. Box 94818		Lincoln	NE	94818-0000	
Nelnet	121 S. 13th Street			Lincoln	NE	68508	

North Mills Credit Trust	81 Throckmorton Ave, Suite 203			Mill Valley	CA	94941	
North Mills Credit Trust	601 Merritt 7	Suite 5		Norwalk	CT	6851	
Osborn Kevin and Teresa	42849 Road 765			Cozad	NE	69130	Yes
Osborn Land and Cattle, LLC	42669 Road 762			Cozad	NE	69130	Yes
Outdoor Bank	2401 N. Seth Child Rd			Manhattan	KS	66503	Yes
Panoke Repair Inc	4018 A St. Rd			Beaver Crossing	NE	68313	
Paypal Credit, SYNCB	P.O. Box 71707			Philadelphia	PA	19176-1707	
PHI Financial Services	1574 42nd St NE	Suite 3		Cedar Rapids	IA	52402	
Pottery Barn	P.O. Box 60519			City of Industry	CA	91716-0519	
Quantum 3 Group, LLC	Agent for Comenity Bank	PO Box 788		Kirkland	WA	98083	
Regions Bank	d/b/a/ Ascentium Capital	23970 HWY 59 N		Kingwood	TX	77339	
Reinke Manufacturing	c/o Dick Garden	233 S. 13th Street	Suite 1900	Lincoln	NE	68508	
State Bank Of Bartley	402 Commercial Street			Bartley	NE	69020	Yes
Synchrony Bank	AIS InfoSource LP as agent	PO Box 4457		Houston	TX	77210	
Tcf National Bank	11100 Wayzata Blvd., Ste 801			Minnetonka	MN	55305	
The Andersons, Inc.	Robert C. Gallup	801 Grand Avenue		Des Moines	IS	50309	
Comenity Bank	Attn: Bankruptcy Dept.	PO Box 182125		Columbus	OH	43218	
U.S. Small Business Administration	1545 Hawkins Blvd., Suite 202			El Paso	TX	79925	
Union Bank & Trust	PO Box 82535			Lincoln	NE	68501	
Waite & McWha Law Firm	PO Box 38			North Platte	NE	69103	
Western Equipment Finance, Inc.	PO Box 640			Devils Lake	ND	58301	Yes
Wilmington Trust, NA, Collateral Trust	1100 North Market Street			Wilmington	DE	19890	